

NOTICE OF EFFECTIVE DATE OF REGULATION CHANGE

California Code of Regulations Title 2, Administration Division 1, Administrative Personnel

DATE: April 4, 2003

TO: ALL STATE AGENCIES, EMPLOYEE ORGANIZATIONS, AND
MEMBERS OF THE GOVERNOR'S CABINET

SUBJECT: AMENDMENT OF RULE 52.4—EXPEDITED HEARINGS

This memorandum is to advise you that the proposed revision of § 52.4 in Title 2 of the California Code of Regulations (CCR), as described in the State Personnel Board's (SPB) Notice of Proposed Amendment of Regulation and Statement of Reasons dated December 20, 2002, became effective on April 1, 2003. A copy of the final regulation is attached. This final regulation will be published in the CCR, Title 2, Division 1, § 52.4.

Rule 52.4, in its final form, reflects SPB's response to public comments regarding a previous proposal to amend Rule 52.4 that was heard before the five-member State Personnel Board on May 7, 2002. The rule permits an appellant, who has filed an appeal from a dismissal, to request that the evidentiary hearing before a SPB administrative law judge be expedited for good cause.

CONTACT PERSON:

Please direct inquiries to Elise S. Rose, Chief Counsel, at the State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010 or (916) 653-1403, TDD (916) 653-1498.

Mike Willihnganz
Chief, Policy Division

Attachment: Text of Final Regulation

Regulation Governing Expedited Hearings

Title 2. ADMINISTRATION

Division 1. Administrative Personnel

Chapter 1. State Personnel Board

§ 52.4. Expedited Hearings.

Within ten days after filing an appeal from a dismissal, an appellant may file with the board and serve upon the respondent a written request that the hearing on the appeal be expedited for good cause. Appellant's request shall include documentary evidence and/or sworn declarations in support of the appellant's position. Within seven days after service of appellant's request, respondent shall file its written response to that request and serve that response upon the appellant. Appellant's request may be granted if either the respondent concurs in the request or the administrative law judge determines that good cause exists. The administrative law judge may impose such orders for expedited discovery as the administrative law judge may deem necessary or appropriate. If appellant's request is granted, the matter will be set for hearing within 15 days. The administrative law judge shall prepare the proposed decision within five working days of the hearing for submittal to the board at its next meeting.

NOTE: Authority cited: Section 18701, Government Code.

Reference: Sections, 18670, 18703, 19253.5, 19575, 19585 and 19590, Government Code.